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FILED
DISTRICT COURT OF GUAM

APR 12 2007

MARY L.M. MORAN
CLERK OF COURT

DISTRICT COURT OF GUAM

UNITED STATES OF AMERICA,	(Criminal Case No. 02-00026
)	
Plaintiff,	(SENTENCING
)	MEMORANDUM
vs.	(
)	
ALFONSO GONZALEZ-	(
CONTRERAS, also known as)	
Poncho,	(
)	
Defendant.	(

I

Paragraph 44 of the presentence report says, "The defendant oversaw the activities of his co-defendant[], Pedro Sanchez-Contreras . . . , in the distribution of drugs . . . , therefore, pursuant to U.S.S.G. § 3B1.1(c), the offense level shall be increased two levels as the defendant was an organizer, leader,

ORIGINAL

manager, or supervisor in any criminal activity other than described in (a) or (b).”

Paragraph 56 of the presentence report says, “The defendant does not meet the criteria as set forth in U.S.S.G. § 5C1.2, Limitation on Applicability of Statutory Minimum Sentences in Certain Cases, because he had a leadership role in the offense.”

Defendant objects thereto.

Defendant was not an organizer, leader, manager, or supervisor with respect to the distribution of drugs.

II

The Probation Officer recommends that “[t]he sentences under each of the Counts . . . be served concurrently, for an aggregate sentence of” 25 years. (Letter from U.S. Probation Off. Maria C. Cruz to Hon. Frances Tydingco-Gatewood of April 10, 2007.)

Defendant objects thereto.

An aggregate sentence of 25 years is too severe.

III

“Before imposing sentence, the court must . . . address the defendant

(Sentencing Memorandum)
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personally in order to permit the defendant to speak or present any information to mitigate the sentence[.]” (Fed. R. Crim. P. 32(i)(4)(A)(ii); *United States v. Gunning*, 401 F.3d 1145, 1147-49 (9th Cir. 2005).)


IV

The attention of the Court is invited to *United States v. Zolp*, 479 F.3d 715, 721-22 (9th Cir. 2007).

Dated, Hagåtña, Guam,

April 12, 2007.

Respectfully submitted,



HOWARD TRAPP
For HOWARD TRAPP INCORPORATED
Attorney for Defendant

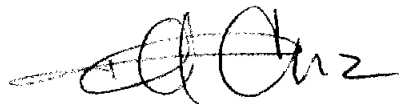
(Documents/SentMemo.AContreras)

DECLARATION OF SERVICE

I, Charlene C. Cruz, declare that I am an administrative assistant employed in the office of Howard Trapp Incorporated, Howard Trapp, Esq., the attorney for Defendant herein, and that on April 12, 2007, I served the document to which this declaration is annexed on Karon V. Johnson, Esq., Assistant United States Attorney, the attorney for Plaintiff herein, by leaving a copy at her office at Office of the United States Attorney for Guam and the Northern Mariana Islands, Suite 500, Sirena Plaza, 108 Hernan Cortez Avenue, Hagåtña, Guam, her last known address, with a person in charge thereof.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 12, 2007, at Hagåtña, Guam.

A handwritten signature in black ink, appearing to read 'Cruz', is written over a horizontal line.

CHARLENE C. CRUZ